

ATTORNEY DOCKET NO.
00-5018(b)

PATENT APPLICATION NO.
09/870,143

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Remarks

This Application has been carefully reviewed in light of the final Office Action mailed February 2, 2004. Although Applicant believes all claims are allowable without amendment, Applicant has made clarifying amendments to independent Claim 12 to expedite issuance of a patent from this Application. Applicant does not consider these amendments necessary for patentability. These amendments do not present new issues, do not require further searching, and will place the Application in better condition for appeal if the Examiner maintains the rejection of Applicant's Claim 12 and its dependent claims. Accordingly, Applicant respectfully requests the Examiner to enter these amendments. Applicant respectfully requests reconsideration and full allowance of all pending claims.

**Independent Claim 12 is Allowable Over the
Proposed *Heindel-Vasell* Combination**

The Examiner rejects independent Claim 12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,304,857 to Heindel et al. ("*Heindel*") in view of U.S. Patent No. 6,496,575 to Vasell et al. ("*Vasell*").

Applicant believes independent Claim 12 is patentable over the proposed *Heindel-Vasell* combination without amendment. However, to expedite issuance of a patent from this Application, Applicant has amended independent Claim 12 to recite certain limitations substantially similar to those recited in independent Claim 1, which the Examiner has allowed. Specifically, Applicant has amended Claim 12 to recite *periodically testing a network connection associated with a network coupled to the gateway to determine a status of the network by a maintenance service associated with the secure partition and the API bundle*. As acknowledged by the Examiner, neither *Heindel*, *Vasell*, nor any other cited reference discloses, teaches, or suggests this limitation.

For at least this reason, independent Claim 12 is allowable over the proposed *Heindel-Vasell* combination. Applicant respectfully requests allowance of independent Claim 12 and its dependent claims.

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**Dependent Claims 13-26 are Allowable Over the
Proposed *Heindel-Vassell* Combination**

The Examiner rejects dependent Claims 13-26 under 35 U.S.C. § 103(a) as being unpatentable over *Heindel* in view of *Vasell*. Dependent Claims 13-22 and 25-26 depend on independent Claim 12, which Applicant has shown to be allowable, and are allowable for at least this reason. Dependent Claims 23-24 depend on independent Claim 1, which the Examiner has allowed, and are allowable for at least this reason. Accordingly, Applicant respectfully requests allowance of dependent Claims 13-26.

Allowed Claims

On Page 2 of the final Office Action mailed February 2, 2004, the Examiner states that "Claims 1-11 are allowed over the prior art of record" and "the prior art of record fails to disclose" certain limitations recited in independent Claim 1. Applicant appreciates the Examiner's allowance of Claims 1-11. However, the Office Action Summary of the final Office Action indicates that "Claim(s) 1-26 is/are rejected." Applicant respectfully requests clarification of the allowance of Claims 1-11.

Under 37 C.F.R. § 1.104(e), Applicant respectfully issues a statement commenting on the Examiner's reasons for allowance. Applicant respectfully disagrees with the Examiner's reasons for allowance to the extent that they are inconsistent with applicable case law, statutes, and regulations. Furthermore, Applicant does not admit to any characterization or limitation of the claims, particularly any that are inconsistent with the language of the claims considered in their entirety and including all of their constituent limitations, or to any characterization of a reference by the Examiner.

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Conclusion

For at least the foregoing reasons, Applicant respectfully requests reconsideration and allowance of all pending claims.

If the Examiner believes that a telephone conference would advance prosecution of this Application, the Examiner is invited to call the undersigned attorney for Applicant, at 972.718.4800.

Applicants believe no fees are due. Nonetheless, the Commissioner is hereby authorized to charge any fee and credit any overpayment to Deposit Account No. 07-2347 of Verizon.

Respectfully submitted,

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